

**ENFIELD TOWN COUNCIL
MINUTES OF A SPECIAL MEETING
MONDAY, SEPTEMBER 21, 2020**

A Special Meeting of the Enfield Town Council was called to order by Chairman Ludwick on Monday, September 21, 2020. The meeting was called to order at 6:10 p.m.

ROLL-CALL – Present were Councilors Bosco, Cekala, Hemmeler, Kiner, Ludwick, Mangini, Muller, Riley, Sferrazza, Szewczak and Unghire. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Suzanne Olechnicki; Town Attorney, James Tallberg; Deputy Director of Economic & Community Development, Nelson Tereso; Director of Public Works, Donald Nunes; Deputy Director of Public Works, Jeffrey Leonowicz; Assistant Director of Public Works, Kenneth Boulette; Director of Finance, John Wilcox; Chief of Police, Alaric Fox; Chief Technology Officer, Paul Russell

SOLID WASTE ORDINANCE

Mr. Nunes spoke about the municipal solid waste ordinance revision, and noted a public hearing is scheduled for Monday, October 5th.

He stated the future of municipal solid waste in Connecticut is not very good at this time. He noted in July 2020, Governor Lamont rejected a proposal to spend more than \$330 million dollars to upgrade MIRA. He noted short term options include renovating the Hartford plant, which Governor Lamont does not wish to do, or towns may have to start shipping their trash out of state. He noted if the Governor decided to renovate MIRA, it could produce tipping fees up to \$145 per ton. He noted the State of Connecticut currently has no significant in-state waste to energy capacity available. He noted there are also no municipal solid waste landfills in the state that are operational. He noted if exporting municipal solid waste is the only option, the market will be governed by transportation costs, in addition to tipping fees.

Mr. Nunes stated in 2016, Enfield was at \$61.72 per ton for disposal, and they took in approximately 13,600 tons, which amounts to approximately \$840,000. He pointed out in Fiscal Year 2020, that rate increased to \$73 per ton, and the Town has expended just over \$1 million dollars in costs just for disposal of municipal solid waste.

He stated in 2021, the Town's contract with USA Waste is \$80.50, and in Fiscal Year 2022, it's \$81.50, and in Fiscal Year 2023, it will jump to \$83.00

Mr. Nunes displayed a line graph showing municipal solid waste tonnage is increasing approximately 24.7% per year. He noted recycling data shows that in Fiscal Year 2016 and 2017, the Town was actually getting paid for recycling. He noted the Town earned \$87,000 in Fiscal Year 2016 and \$84,000 in Fiscal Year 2017. He noted the market fell out for that, and the Town has to pay to get rid of recycling. He stated the Town started at \$10 in 2018, and now they are at \$10.78 for FY21. He noted their goal is to produce more recycling, so they're only paying \$10.78, instead of the \$80.50, which they will be paying now. He stated with the municipal solid waste tonnage increasing, the Town's recycling tonnage has steadily decreased over the years. He noted

the goal is to increase recycling tonnage and divert more to recycling and take more away from municipal solid waste.

Mr. Nunes stated in the last five fiscal years, they brought in almost 10,000 tons of bulky waste and other materials to the transfer station for a cost of approximately \$1.2 million dollars.

He noted if the projections hold true and nothing is done about working toward the goal of diverting more towards recycling, the Town will be spending about \$1.5 million dollars just for municipal solid waste.

Mr. Nunes stated only the Town Council can amend or repeal the Solid Waste Ordinance. He then reviewed proposed revisions to the current ordinance as follows:

- Expanded on the definition of bulky waste
- Added a whole section about “collectors”
- Removed the commercial solid waste definition
- Defined a condominium unit
- Expanded the definition for solid waste deliveries
- Expanded upon curbside placement
- Expanded what a customer is
- Added what DEEP means for Department of Energy and Environmental Protection
- Expanded upon exactly what a disposal charge means
- Added a definition of a monetary fine or penalty
- Expanded upon what a generator means
- Clarified the hazardous waste definition
- Added a definition of the materials recycling facility
- Added a description of multi-family homes
- Removed municipal service agreement
- Added a definition of municipal solid waste
- Clarified what a plastic bag means
- Defined what a policy means
- Clarified the definition of recyclables
- Removed the definition of refuse collector
- Modified what residential waste means
- Expanded upon solid waste
- Added what a solid waste facility is
- Expanded on what a tipper barrel is
- Added a definition of town
- Added definition of transfer station
- Modified the warning definition
- Added what yard waste means

Mr. Nunes stated more notable changes in the revisions to the current ordinance include incorporating flexible policy references to address disposal facility contract changes.

Mr. Nunes stated one tipper barrel for trash will be collected per week at no charge, and a maximum of up to three additional gray tipper barrels per residence will be available for an annual fee to be established by the Director. He noted they will limit the maximum size of all tipper barrels to be 96 gallons. There will be no extra bags or items collected outside of tipper barrels after holidays. Tires are no longer accepted.

He noted other changes include tipper barrels not having any obstructions within three feet in any direction. He stated the Director of Public Works may direct placement of tippers for safety or efficiency. The contents of all tipper barrels must be completely contained inside the barrels with the lid securely closed. Tipper barrels not secured will not be collected.

Mr. Nunes stated as concerns yard waste, up to two brown tipper barrels will be collected per week per residence at no charge. A maximum of up to two additional brown tipper barrels per residence will be available for an annual fee to be established by the director. Yard waste in barrels will have nothing greater than three inches in width and nothing longer than three feet. During spring collection, there can be three brown tipper barrels collected per week without an additional annual tag required.

He stated the Director of Public Works will establish a leaf collection schedule. During the leaf collection, up to 45 degradable leaf bags and unlimited weekly brown tipper barrels will be accepted.

As concerns implementation, Mr. Nunes stated the first step will be to revise and accept the ordinance. He noted the next step will be educating, which will take approximately four weeks of increased inspection of tipper contents, tagging and reporting results and placement issues. He stated the next step will be implementing the primary tag system on gray tippers, and that will take about six to eight weeks.

Mr. Nunes stated questions about the ordinance will be by written testimony only and may be submitted by stating name and address to phcomments@enfield.org by 5:00 p.m. on Friday, September 30, 2020.

Mr. Boulette stated a lot of time has been put into this effort. He noted this is an effort to control costs. He stated his belief the latest contract was fair in pricing because a lot of other communities are paying a lot more to get rid of their solid waste.

Councilor Bosco stated the Committee has been working on this for over a year with countless hours and meetings. He noted he has heard people suggesting the Town use private contractors, so staff checked to learn what towns are paying for private contracting for solid waste, and it ends up slightly more for the Town to provide this service. He went on to note that through the years in negotiations with DPW and different employee unions, they had everyone cross-trained, which allowed them to take people from other departments to do plowing and other tasks. He stated in the end, it's actually less costly for the Town, so they don't have to pay for subcontractors when there is a problem. He noted when towns go with a private contractor, they get one tipper barrel, and if they want more tipper barrels, they have to pay, therefore, this is more or less a hybrid of

private and public. He noted this is modeled similar to a privatization of trash by using Town employees, and this is how they can keep the price down.

Councilor Mangini stated she was on this committee, and they worked very hard to come forward with recommendations. She stated Hazardville has a real issue with leaves in the fall season. She noted one brown tipper barrels isn't enough. She stated there's no allowance for people to use brown paper bags. Chairman Ludwick stated during the fall leaf season 40 degradable leaf bags and unlimited weekly brown tipper barrels will be accepted.

Councilor Mangini questioned if there's a time limit. Mr. Bromson stated people will be alerted about the timeframe.

Councilor Szewczak stated most private trash haulers won't even pick up yard waste, and the Town of Enfield picks up everything. She noted when there are storms, the Town will do what it normally does and make accommodations for the people. She noted the ordinance currently allows for 40 bags. She stated the Town saved a lot of money in workers' comp claims when they went with tipper barrels.

Councilor Bosco stated Enfield does have some businesses in Enfield that are putting out 10 to 13 barrels, and there are some residences doing the same. He noted this ordinance will address that issue, so they can bring down the tonnage.

Councilor Unghire questioned what happened to the industry because at one point all the recycling for the Town of Enfield was generating revenue, and then it flipped. Mr. Boulette stated a lot of it has to do with things being remanufactured with China, and the market is flooded with recyclables, especially a lot of cardboard and paper products relating to Amazon. He noted he spoke to another community, and they're paying a lot more to get rid of recyclables. He stated the Town is saving almost \$70 per ton in tipping fees by having things go into recyclables instead of the trash.

Councilor Unghire questioned if residents are limited to one gray tipper barrel. She questioned the possibility of having two gray and two brown tipper barrels, which she believes is more reasonable.

Chairman Ludwick stated his impression that they're trying to mimic what the private sector is doing.

Councilor Bosco stated during the holidays people can have the second tipper barrel.

Councilor Cekala noted the importance of educating people about the amount of money Enfield could save, and this will help people accept any type of change in the ordinance. She noted this has to be publicized extensively.

She questioned whether there was any discussion about more than one recycling bin at no cost. Mr. Boulette stated a lot of residents have more than one recycling barrel, and they're more than willing to give more recyclable barrels. He agreed about the education aspect.

Councilor Sferrazza stated his understanding that if a resident wants a second gray barrel, they must pay a fee for just the barrel itself, and Mr. Boulette responded yes.

Councilor Sferrazza stated when the Director of Public Works sets the fee for tipper barrels, is he regulated by any constraints that he can only raise it enough to keep pace, or is it unlimited, and is there anything in the ordinance that addresses that. Mr. Boulette responded there's nothing at this time. Mr. Bromson stated it will be regulated by the public outcry to the Council if it goes too high.

Councilor Riley questioned if it's an annual fee for an extra gray barrel, and you already have two, are you grandfathered in, or does a person have to pay that annual fee, and what if the person wanted the one extra barrel for holidays, and does the annual fee have to be paid if a person only uses it for holidays. She questioned if they want to push recycling more, are they going to expand the recyclable list to include more items that can be recycled.

Mr. Boulette indicated he will provide answers to Councilor Riley's questions.

Chairman Ludwick stated his belief it will be hard to regulate in the case of someone who says they're only going to use a second barrel once a year. He recommended providing a second blue barrel for free, but if a person wants a second gray barrel, they pay the fee. He questioned the possibility of challenging the community to get to a certain savings and provide a way to show people a tangible way to track savings.

Mr. Boulette stated they're still planning to run the leaf season as was done in previous years, so they won't be limiting brown barrels.

DISCUSSION RE: CAMERAS

Mr. Bromson stated Chief Fox previously requested body cams and upgrades to the in-car camera system. He noted because of the Covid pandemic, everything was held at a zero. He noted the new cars are being outfitted with the in-car camera system. He stated the national debate has been focused on this, and these systems are now mandated by the Legislature. He pointed out Chief Fox has been forward thinking and already did a lot of the work, therefore, it was much easier for him to then fine-tune it and go to vendors to come up with firm numbers for consideration. He stated the Director of the Finance will find the money, either in the fund balance, through lease packages, or fund this over a number of years. He noted he will not say it's a completely unfunded mandate, but for the most part it is. He stated the Town is committed to this, and it is imperative for the safety of citizens and officers.

He noted this past summer the General Assembly passed Public Act 20-01, which is police accountability legislation.

He noted in June of this year, he came before the Council when there was a lot of discussion about two areas in particular. He stated one had to do with Governor Lamont's Executive Order #8 that came out in June of 2020, and the Enfield Police Department was already in compliance with everything in the Governor's executive order, except for the body cam requirement.

Chief Fox stated the Public Act passed in July requires all law enforcement officers must make use of dashboard cameras in the patrol vehicles and body-worn cameras.

He noted Enfield was in front of the in-car requirement about ten years ago, but those cameras need a complete overhaul amounting to 35 in-car cameras, as well as 100 body-worn cameras. He stated all vendors were given those parameters, and all vendors were told cloud storage is required. He noted cloud storage in the long haul is safer, more effective, and less expensive in the long haul.

Chief Fox stated it's necessary that every officer have their own body-worn camera because the camera charges when it is not in use, and because the given camera ties to a given account that feeds into the storage. He noted it would be unworkable to have one camera swapped between officers.

He stated they looked at five vendors – Axon, Panasonic, WatchGuard, Getac and Safety Vision. He noted while Axon's price is the highest, this is where they see some apples and oranges difference. He noted Axon's overall package also includes the taser package. He noted Enfield is spending \$22,000 annually for the cartridges, training, and carry cartridges for the officers for their electronics defense weapons. He noted additionally, they have a number of tasers that are currently out of warranty, and to get those under warranty would be another \$50,000. He stated they'd need another \$13,000 in 2021 for the units expiring at that point.

Chief Fox spoke about the OPM reimbursement formula. He noted currently OPM is working under an older grant. He noted that package currently has a balance of about \$500,000, and OPM is providing a 50% reimbursement rate as long as that money lasts. He stated that's 50% of first year storage and the acquisition costs in the first year. He noted after that, when the equipment is acquired, there are no expenses in years 2 onward, but they do have the cloud storage expenses from years 2 onward. He noted he learned from someone at OPM that although they haven't had a lot of requests, there have been a lot of phone calls for information.

He stated under the new Public Act, OPM provided additional funding, however, that funding is at a 30% reimbursement rate, unless a town is a distressed municipality, and Enfield is not a distressed municipality. He stated if Enfield moves in the future on this, with the same level of reimbursement, it is for all acquisition costs suffered in the first year and for first year storage. He noted after that, the cloud storage expenses are the town's responsibility.

Chief Fox stated he can't be certain what money is going to be available, nor can he be certain what OPM is going to fund in the future. He noted what OPM has funded previously under the first grant has been approximately \$144,000 per town, so that would come off the overall costs.

He noted the time has not just come for this discussion, but the time has actually been mandated. He feels they are at a point where he believes he has done the requisite background work for the Town Council to either ask questions or begin to contemplate the direction they wish to go in this regard.

Mr. Bromson stated he would like the Chief of Police to make his recommendation because he has offered five options, and he believes there are really only two, and one is preferable. He noted it's nice when there's one vendor, who does it all. He stated if there can be a consensus this evening, they could hear from the Director of Finance at the next meeting regarding funding.

Chief Fox stated the Axon product is the superior product.

Councilor Muller questioned if this syncs with the cruiser camera as well, and is there enough storage data, and how long do they have to keep the data.

Chief Fox stated if they go with one vendor for the body worn camera and cruiser camera, they would all sync with one another. He noted the Axon product had a number of additional bells and whistles to insure that syncing. As concerns storage, the Town can set the policy to be anything less than one year, and the norm is in the category of 30, 60 or 90 days.

Councilor Sferrazza stated he personally has a host of problems with the Police Accountability Bill the way it was presented. He wants residents to be assured that the Enfield Police Department took it upon itself in 1996 to incorporate cameras as well as being CALEA accredited. He pointed out this isn't a reaction to something that has been going on recently. As concerns picking the more expensive vendor, he noted this system will record when an officer unholsters a taser, deploys a taser and for how many seconds the taser is deployed. He noted that data is very important regarding internal affairs complaints, i.e., an alleged excessive force complaint. He stated they also should factor in they won't have to replenish the taser budget each year at a cost of \$85,000. He noted there's a return on this investment.

Councilor Sferrazza stated these videos will be subject to FOI, and the Police Department has to provide that video if someone wants to see the video tape.

He questioned if the police staff support this, and Chief Fox indicated they do strongly support this.

Councilor Sferrazza questioned the policy as to how these body worn cameras will be used. Chief Fox indicated there's a state-wide model policy being reviewed.

Councilor Riley stated her understanding 100 body worn cameras are needed, however, she doesn't believe they have 100 officers out on patrol at the same time. Chief Fox stated there are 95 officers, and everyone has their own camera. He noted Chiefs of Police wear a body worn camera as well. He noted five cameras would act as spares when cameras go down.

Councilor Mangini stated she trusts Chief Fox's judgement because he does an exceptional job with the Enfield Police Department and Enfield police officers are stellar. She requested clarification in that Axon is the vendor being recommended, and it's \$251,494 per year average, and Chief Fox responded that's correct. Councilor Mangini questioned what's currently available in the budget to help with this cost. Mr. Bromson stated the Police Department does not currently have money in their budget for this. He stated the Director of Finance will have resolutions for

Council perusal at the next meeting. He added the Town certainly has resources available to fund this.

Councilor Mangini questioned how quickly this funding is needed, and Chief Fox responded not tomorrow, but they do need to begin this discussion.

Councilor Mangini questioned if they can get more detail from the state regarding numbers as to what percentage they will help fund this. Mr. Bromson stated the Chief of Police will make inquiries about that. He noted they will apply for the most they can get.

Chief Fox stated because OPM will reimburse at either the 50% or 30% rate of the first year acquisition costs, if they frontload the acquisition costs into the first year, that's going to cost the Town a large amount of money in the first year, but they will increase the reimbursement amount from OPM. He noted if they keep it at \$251,000 per year, they're lessening the first-year expense, but they're lessening their potential reimbursement from them as well. Mr. Bromson stated they will provide input from the Director of Finance on that.

Councilor Mangini thanked Chief Fox for a superb job with the Enfield Police Department and all of the officers.

Councilor Hemmeler stated her understanding the Enfield Police Department will need an employee to do FOI requests and maintenance of the cameras. She questioned whether that can be a civilian position, so it will be less costly. Chief Fox noted that would be ideal.

Chairman Ludwick questioned what happens if an officer turns off their camera if for example they are just stopping for a coffee, and they forget to turn it back on and something happens. Chief Fox stated the standards for when it must be on and off are very clear under the policy. He noted there isn't a specific policy exception for the "I forgot" situation.

Chairman Ludwick adjourned the Special Meeting at 7:19 p.m.